

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 12-15, 17-24, 27, 29-35 are pending in the application. Claim 28 has been cancelled without prejudice or disclaimer. The other claims have been amended, where appropriate, to better define the claimed invention. New claims 33-35 readable on the elected invention/species have been added to provide Applicants with the scope of protection to which they are believed entitled. The amended/new claims find solid support in the original specification and drawings, especially FIGs. 3-4. No new matter has been introduced through the foregoing amendments.

Specification Objection

The Title has been amended in the manner kindly suggested by the Examiner.

Withdrawal of the objection is believed appropriate and therefore respectfully requested.

Restriction Requirement

The Restriction Requirement with respect to claim 32 is noted. Applicants respectfully traverse the Restriction Requirement for at least the following reasons.

1. The Examiner has not followed proper USPTO practice and procedure.

Every requirement to restrict has two aspects:

- (A) the reasons (as distinguished from the mere statement of conclusion) why each invention as claimed is either independent or distinct from the other(s); and
- (B) the reasons why there would be a serious burden on the examiner if restriction is not required, i.e., the reasons for insisting upon restriction. *See MPEP*, section 808 (emphasis added).

In this case, the Examiner has not met at least requirement (B), i.e., the reasons why there would be a serious burden on the examiner if restriction is not required.

2. The search and examination of the entire application could be made without *serious* burden. This is evident from the Examiner's ability to examine claim 17 (compression spring, drawn to the embodiment of FIG. 4) and claim 18 (tension spring, drawn to the embodiment of FIG. 3). Thus, both embodiments of FIGs. 3 and 4 have been examined without serious burden on the Examiner. Claim 32 which is directed to the embodiment of FIG. 4 could also be examined, like claim 17 directed to the same embodiment, without serious burden. *See MPEP*, section 803 (If the search and examination of an entire application can be made without serious burden, the examiner *must* examine it on the merits, even though it includes claims to independent or distinct inventions).

3. Claim 32, contrary to the Examiner's position, is not directed to a constructively non-elected invention. The reason has been detailed above, i.e., claim 32 and examined claim 17 are directed to the same embodiment of FIG. 4. Thus, claim 32 is directed to a constructively elected invention.

In view of *any* of the reasons 1-3 above, withdrawal of the Restriction Requirement and consideration of claim 32 is believed appropriate and therefore courteously solicited.

35 U.S.C. 112, second paragraph Rejection

The 35 U.S.C. 112, *second paragraph* rejection of claims 12 and the respective dependent claims is noted. Although Applicants do not necessarily agree with the Examiner's position, amendments have nevertheless been made solely for the purpose of expediting prosecution.

Specifically, the wording “free of spring action” allegedly found indefinite by the Examiner has been deleted from claim 12.

Withdrawal of the rejection is believed appropriate and therefore respectfully requested.

35 U.S.C. 103(a) Rejection relying on *Lehrke*

4. The obviousness rejection of claim 12 and the respective dependent claims as being obvious over *Lehrke* is respectfully traversed, because the reference fails to teach or suggest all limitations of at least independent claim 12. Specifically, *Lehrke* fails to teach or suggest

wherein said first and second cam followers are interconnected by a spring arrangement simultaneously urging both said cam followers toward each other to engage the cam surface of said constant velocity cam; and

The Examiner is of the opinion that the claim feature is met by *Lehrke* element 32 or 60 in FIG. 2 or 3. Applicants respectfully disagree.

Element 32 in FIG. 2 of *Lehrke* is indeed a spring. It does not, however, interconnect the cam followers 24 of the reference. Each spring 32 is individually urging one of the cam followers 24 against the cam 18, rather than interconnecting the cam followers 24 as presently claimed.

Element 60 in FIG. 3 of *Lehrke* is an alternative to element 32 of the reference, and is not a spring. See *Lehrke* at column 3, lines 49-52. Element 60 of *Lehrke* therefore cannot be properly read on the claimed spring arrangement.

There is no *reasonable* interpretation of *Lehrke* that could teach or suggest the claimed spring arrangement. The rejection of claim 12 is improper and should be withdrawn.

5. Notwithstanding and solely for the purpose of expediting prosecution, Applicants have amended the independent claim to further define over the applied art of record. In particular,

independent claim 12 now recites, among other things, “wherein an entirety of the spring arrangement is moveable following rotary motion of said constant velocity cam.”

The added claim feature fins at least *inherent* support in the drawings as filed. For example, a person of ordinary skill in the art would recognize that since the followers 32, 33 and their brackets/sliders 26, 27 are moveable, the ends (near 35) of the spring 34 attached to the brackets/sliders 26, 27 are also moveable. Since the ends of the spring 34 are moveable, the entire spring 34 between such ends is also moveable to follow rotary motion of the constant velocity cam 31.

The springs 32 in *Lehrke* are not entirely moveable as presently claimed. This is evident from FIG. 1 of *Lehrke* where it is disclosed that one end of each spring 32 is urged against the respective cam follower 24, whereas the other end of the spring 32 is fixed on the main housing 12. While the end of the spring 32 that is urged against the respective cam follower 24 is moveable together with the cam follower 24, the other end that is fixed to the main housing 12 is not at all moveable and cannot follow rotary motion of the cam 18. Thus, the spring 32 of *Lehrke* is not entirely “moveable following rotary motion of said constant velocity cam,” contrary to the claimed arrangement.

Element 60 of *Lehrke* as noted above is not and does not contain any spring, and cannot be properly read on the claimed spring arrangement.

In view of any of the reasons 4-5 above, withdrawal of the obviousness rejection relying on *Lehrke* is believed appropriate and therefore courteously solicited.

6. With respect to claims 17-18, Applicants respectfully submit that element 32 of *Lehrke* cannot be interpreted to read on *both* the claimed tension spring (claim 18) and the claimed compression spring (claim 17) as indicated in the Office Action. It can meet only one, if at all, of claims 17-18.

Reconsideration is respectfully requested.

35 U.S.C. 103(a) Rejection relying on Reese

7. The obviousness rejection of claim 27 and the respective dependent claims as being obvious over *Reese* is believed overcome in view of the above amendments and for the reasons advanced with respect to claim 12 from which claim 27 now depends.

It should be noted that *Reese* also fails to teach or suggest the claimed arrangement of claim 12, i.e., “wherein an entirety of the spring arrangement is moveable following rotary motion of said constant velocity cam.” The reason is that the springs 28, 30 of *Reese*, like the spring 32 of *Lehrke*, have fixed ends 40, 42 and cannot be considered as being entirely “moveable following rotary motion of said constant velocity cam,” as presently claimed.

In view of the above reason, withdrawal of the obviousness rejection relying on *Reese* is believed appropriate and therefore courteously solicited.

8. As to claim 31, the Examiner’s allegation that the claim feature of “at least one tension spring directly connecting the first and second cam follower sliders...” is immaterial since it is a matter of design choice is incorrect.

At the very least, since the spring is connected to both cam followers, only one spring is required for performing the urging function. In the related art of *Reese* and *Lehrke*, two springs are require each for one of the cam followers.

Further, the spring that connects the cam followers (claim 31) is also entirely moveable following rotary motion of said constant velocity cam (claim 12 from which claim 31 depends). Such arrangement minimizes any action that spring might have on the motion of the pistons. To the contrary, the pistons in the related art of *Reese* and *Lehrke* must move against the spring action of the springs 28, 30 (*Reese*) or 32 (*Lehrke*).

For any of the reasons detailed immediately above, Applicants respectfully submit that a person of ordinary skill in the art would not have found the claimed arrangement immaterial or obvious matter of design choice, contrary to the Examiner's position.

Reconsideration is respectfully requested.

New Claims

New claims 33-35 correspond to examined claims 12, 17, 18, respectively. Thus, claims 33-35 are readable on the elected invention/species.

New independent claim 33 is patentable over the applied art of record for at least the reasons 5 and 7 *supra*.

Dependent claims 34-35 are considered patentable at least for the reason(s) advanced with respect to the respective independent claim(s).

Conclusion

All claims in the present application are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.


The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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